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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,894	10/14/2003	Cyril Allouche	14XZ129712	4868
23413	7590	06/27/2007		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			EXAMINER MOTSINGER, SEAN T	
			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/684,894

Applicant(s)

ALLOUCHE ET AL.

Examiner

Sean Motsinger

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
- a) ☐ The period for reply expire _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) ~~set forth~~ in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: 14-28, 33, 34, 39, 40 and 46.
- Claim(s) rejected: 1-13, 29-32, 35-38, 44, 45 and 47.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because :
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).
13. ☐ Other: _____.


JINGGE WU
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: Claims 35 -40 cite "the dynamic range corresponds to a difference between the mean thickness of the object and a maximum anatomical thickness" which raises a new issue.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants arguments center around the assertion that a "mean of equivalent thickness" is not calculated because a grey level does not correspond to thickness since it takes into account density. Implying his measure of thickness does not take into account density. Examiner believes this argument raises new questions under 35 U.S.C. 112 first paragraph because this assertion does not coincide with a applicants specification. While the examiner acknowledges that the grey levels in the image do reflect both thickness and density of the object examiner reminds applicant that applicant has disclosed a measure, which applicant has called "equivalent thickness." Examiner asserts that this measure does take into account density. From paragraph 18 of applicants specification applicant makes it clear that this is NOT the same as the exact measure of thickness, but equivalent to what the thickness of the object would be if it were made of a known plastic material (i.e. applicants measure reflects both thickness and density). Applicant's measure of thickness relates both the thickness and density of an object to its equivalent thickness in plastic, which in reality is a mere mapping of grey level values to a different scale (ie equivalent thickness). This mapping of is disclosed in the formula of paragraph 27 of applicant's specification (note each I is mapped with a different x.) Therefore the examiner believes that the grey levels of Egrun are a measure of thickness in the same way applicants equivalent thickness is a measure of thickness (i.e. they are a measure reflecting a combination of both thickness and density). While applicant's equivalent thickness is defined differently, the specific use of equivalent thickness is not claimed in claim 1.

Applicant also argues that the combination of Egrun and Nakajima produce a different combination then cited by the examiner. Examiner disagrees Nakajima and Egrun both disclose a method of segmenting images to define the pixels in an area of interest in an x-ray image. One of ordinary skill in the art would recognize that these methods are combinable to create an improved method. The fact that the region defined by these segmentation methods subsequently are used differently is inconsequential. One of ordinary skill would still recognize that that Egrun's method of segmentation could be improved by Nakajima's method.

Since applicant's arguments for the dependent claims stem from the argument for claim 1 the rejected dependent claims remain rejected.